

REMARKS

In response to the Office Action mailed May 30, 2008, Applicant respectfully requests reconsideration. To further the prosecution of this Application, Applicant submits the following remarks and has added new claims. The claims as now presented are believed to be in allowable condition.

Claims 1, 2, 4-20, 31, 38-41 and 44-51 were pending in this Application. Claims 52-54 have been added. Accordingly, claims 1, 2, 4-20, 31, 38-41 and 44-54 are now pending in this Application. Claims 1, 38, and 47 are independent claims.

Specification

The Specification has been voluntarily amended to correct a typographical error presented in the Cross Reference to Related Applications section of the Application. A petition to accept an unintentionally delayed priority claim under 37 CFR 1.78 is being submitted concurrently with the present Response.

Rejections under §102

Claims 1, 2, 4-20, 31, 38-41 and 44-51 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,829,356 (Ford).

Under 35 U.S.C. §102(e), a person shall be entitled to a patent unless:  
the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent...

Ford was filed on May 17, 2000 and claims priority to U.S. Provisional Patent Application Ser. No. 60/188,834, "Server-Assisted Regeneration of a Strong Secret from a Weak Secret," by Warwick Ford, filed Mar. 10, 2000; U.S.

Provisional Patent Application Ser. No. 60/167,453, "Secure Generation And Regeneration Of A Strong Secret From A Weak Secret Assisted By Multiple Servers," by Warwick Ford, filed Nov. 23, 1999; and U.S. Provisional Patent Application Ser. No. 60/141,571, "Password-Based Encryption And Recovery Protocol Immune To Password Guessing And Server Compromise," by Warwick Ford, filed Jun. 29, 1999.

The present Application was filed on March 9, 2001 and claims priority to a provisional application, serial number 60/188,458, filed on March 10, 2000. Based upon the provisional application filing date for the present Application, Ford is not a proper reference under 35 U.S.C. §102(e) because embodiments of the invention described in the present Application were not described in "a patent granted on an application for patent by another filed in the United States *before the invention by the applicant* for patent."

As indicated above, the priority date for the present application is March 10, 2000. If the filing date of Ford (i.e., the utility application) of May 17, 2000 is taken as the 102(e) date, Ford is not a proper reference under 35 U.S.C. §102(e) because the priority date of the present Application predates the actual filing date of Ford. Accordingly, Ford does not constitute "a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent" as required by 35 U.S.C. §102(e).

As indicated above, Ford claims priority to U.S. Provisional Patent Application Ser. No. 60/188,834 filed Mar. 10, 2000. If the filing date of provisional application 60/188,834, March 10, 2000, is taken as the 102(e) date, Ford is not a proper reference under 35 U.S.C. §102(e) because the priority date of the present Application falls on the same date as the filing date of Ford's provisional application. Accordingly, even with such a claim of priority, Ford does not constitute "a patent granted on an application for patent by another filed in

the United States before the invention by the applicant for patent” as required by 35 U.S.C. §102(e).

Ford also claims priority to Provisional Patent Application Ser. No. 60/167,453, filed Nov. 23, 1999 and U.S. Provisional Patent Application Ser. No. 60/141,571, filed Jun. 29, 1999. While each one of these provisional patent applications was filed before the priority date of the present application (i.e., March 10, 2000) neither provisional application describes embodiments of the invention presented in the present Application. Accordingly, if the filing date of either of these provisional application, is taken as the 102(e) date, Ford is not a proper reference under 35 U.S.C. §102(e) because Ford is not “a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent” which describes embodiments of the invention presented in the present Application.

#### Newly Added Claims

Claims 52-54 have been added and are believed to be in allowable condition. Claim 52 depend from claim 1, claim 53 depends from claim 38, and claim 54 depends from claim 54. Support for claims 52-54 is provided within the Specification, for example, in Fig. 2. No new matter has been added.

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Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Response, including an extension fee, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

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